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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Corrigendum
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ENGLISH

COMMITTEE AGAINST TORTURE

Ninth session

SUMMARY RECORDS OF THE 119th to 136th MEETINGS

Held at the Palais des Nations, Geneva,
from 9 to 26 November 1992

Corrigendum

PUBLIC MEETINGS

The present document contains the corrections received from the participants and from the Secretariat to the English text of the summary records of the public meetings of the Committee against Torture at its ninth session (CAT/C/SR.119, 120, 121, 122, 123, 124/Add.1, 125, 125/Add.2, 126, 127, 127/Add.2, 128, 129, 129/Add.2, 130, 131, 131/Add.2, 132, 133, 133/Add.2, 134/Add.1, 135, 135/Add.2 and 136).

The Committee against Torture also held 13 closed meetings, the summary records of which (CAT/C/SR.119/Add.1, 120/Add.1, 121/Add.1, 124, 125/Add.1, 127/Add.1, 128/Add.1, 129/Add.1, 129/Add.3, 131/Add.1, 133/Add.1, 134 and 135/Add.1) were issued in restricted distribution. The corrections to the records of the closed meetings appear in document CAT/C/SR.119-136/Corrigendum/Add.1, which was also issued in restricted distribution.

With the issuance of the corrigenda (CAT/C/SR.119-136/Corrigendum and Add.1), the summary records of the meetings held by the Committee against Torture at its ninth session are to be considered as final.

GE.93-85935 (E)

125th meeting (third part)

Cover page

For THE FIRST PART read THE THIRD PART

133rd meeting (first part)

Paragraph 4

Line 5: for in one read in at least one

Line 9: before compensation insert criminal

Line 11: for all read many

Paragraph 5

Line 1: after torture insert , or extradition for torture,

Line 4: after categorical no insert to the first question

Line 4: at the end of the paragraph insert

He knew of no case of extradition for torture and was confident that there had been none. But he would obtain, and communicate in writing, formal confirmation on both points.

Paragraph 6

For the existing text substitute

6. He was unsure whether legal aid in criminal cases was officially available in all territories, but observed that the Constitutions of those territories which comprised a chapter on human rights stated, in connection with guarantee of a fair trial, that anyone who was charged with an offence must be permitted to defend himself in person or, at his own expense, by a legal representative of his own choice or where the law so provided, by a legal representative at the public expense. (Anguilla and the Falkland Islands had qualified versions of this formula.) Even in the absence of a provision of that kind, he believed that in the event of a serious offence the defence of the accused was paid for by the State if he could not afford it himself. Again, detailed information would be obtained and communicated in writing.

Paragraph 7

Line 2: for detainees read prisoners

Line 4: before penalty insert judicial

Line 6: after ordered insert by the courts

Line 9: should read

punishment for an ordinary criminal offence, although it could be meted out to a prisoner as a disciplinary

Line 11: before corporal insert judicial

Lines 13 and 15: for .t read judicial corporal punishment

Paragraph 9, lines 1 and 2

For pre-trial read preventive

Paragraph 10, line 2

Before Judges' insert Police and Criminal Evidence Act (or similar legislation) and to the

Paragraph 12

Line 3: before brought insert required to be

Line 4: for European Court's case law read case law of the European Court of Human Rights

Paragraph 13

For the existing text substitute

13. As for the question whether territories other than Gibraltar had established a Board or similar body to which complaints against the police could be addressed, he said he was unsure and would communicate the reply to the Committee in writing. He drew attention to paragraph 32 of the section of the report dealing with the Cayman Islands where it was stated that, in the case of allegations against the police, there was provision for independent internal investigation and an independent external investigation could also be ordered. Although other territories might not have such a provision, he would expect similar arrangements to be available.

Paragraph 14

Line 5: After Anguilla insert and the other territories

Line 6: delete the Constitutions in force

Line 7: for dependent territories stated read the law ensured

Paragraph 15

For the existing text substitute

15. Replying to a further question from the Chairman, he said that effect had been given to article 8 of the Convention by the United Kingdom legislation on extradition, as applied in Anguilla. Under that legislation, a person could be extradited to a State that was also party to the Convention if the offence for which he was sought was an act of torture, whether or not there was an extradition treaty with that State. He added that what he had already said about the exercise of the Governor's discretion in extradition cases applied equally in relation to refoulement, expulsion and deportation. As regards mutual legal assistance, most of the territories had or intended to adopt legislation based on the legislation in force in the United Kingdom which established extensive machinery for international cooperation in criminal cases. Some territories had ad hoc legislation providing for bilateral cooperation.

Paragraph 18

For the existing text substitute

18. Replying to a question from Mr. Ben Ammar on how police officers and prison staff were informed of the rules applicable in human rights matters, he explained that those rules would be drawn to their attention both when they were first appointed and routinely from time to time thereafter. With reference to Mr. Ben Ammar's reference to a heavy flow of immigrants and economic refugees into Gibraltar, he said that the British Government had no reason to believe that there was in fact such a flow. But when there were immigrants, etc., legal or illegal, whose presence was known to the Gibraltar authorities, the information which had been given to the Committee about the observance of the Convention applied equally to them.

135th meeting (third part)

Cover page

For THE FIRST PART read THE THIRD PART

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